

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
TENNESSEE NASHVILLE DIVISION**

L.E., by his next friends and parents,
SHELLEY ESQUIVEL and MARIO
ESQUIVEL,

Plaintiff,

v.

BILL LEE, et al.,

Defendants.

Case No. 3:21-cv-00835

Chief Judge Waverly D. Crenshaw Jr.
Magistrate Judge Alistair E. Newbern

NOTICE OF INTERVENING AUTHORITY

Plaintiff L.E., by his next friends and parents, Shelley Esquivel and Mario Esquivel, respectfully submits the following update to the Court regarding authority cited by the Parties and in response to State Defendants' January 26, 2023 Notice of Additional Authority, Dkt. 83.

Plaintiff cited *B.P.J. v. West Virginia State Board of Education*, 550 F. Supp. 3d 347 (S.D. W. Va. 2021), in support of his motion for summary judgment and in opposition to Defendants' motions for summary judgment. *See* Dkt. 51, Memorandum of Law in Support of Plaintiff's Motion for Summary Judgment at 11, 17, 19; Dkt. 66, Consolidated Memorandum of Law in Opposition to Defendants' Motions for Summary Judgment at 28. On January 26, 2023, State Defendants filed a notice of additional authority in support of their motion for summary judgment, Dkt. 83, notifying the Court of the Southern District of West Virginia's disposition of *B.P.J.* on January 5, 2023, dissolving the preliminary injunction that allowed the plaintiff in that matter to participate on girls' sports teams at her school. To ensure that the Court has before it

the full procedural history of that case, Plaintiff provides notice that on February 22, 2023, the United States Court of Appeals for the Fourth Circuit granted Appellants' motion for a stay pending appeal, which it construed as an injunction pending appeal, and stayed the district court's January 5, 2023 order dissolving the preliminary injunction. *B.P.J. v. W.Va. State Bd. of Educ.*, 4th Cir., No. 23-01078 (Feb. 22, 2023).

Dated: March 2, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2023, a true and correct copy of the foregoing was served on the below counsel for Defendants, via the Court's ECF/CM system.

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